

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

MICHAEL H. HOLLAND, ET AL.,

PLAINTIFFS,

V.

CIVIL ACTION NO.: 2:17-CV-02091

CONSOL ENERGY INC.,

DEFENDANT.

**JOINT MOTION TO AMEND SCHEDULING ORDER  
AND EXTEND DEADLINE FOR FILING OF SUMMARY JUDGMENT**

COMES NOW the parties by their respective counsel and tender this Joint Motion to Amend Scheduling Order and Extend Deadline for Filing of Summary Judgment pursuant to Local Rule 12.1(f). The parties bring this Motion based upon the following grounds:

1. The Plaintiffs have recently provided extensive discovery responses that require the Defendant adequate time to review.
2. The Counsel for Defendant has conferred with counsel for the Plaintiffs and the parties are in agreement with a brief extension of time for filing any Motion for Summary Judgment from the scheduled date of October 2, 2017 to the proposed date of October 13, 2017.
3. The proposed change of the filing deadline for any Motion for Summary Judgment from the scheduled date of October 2, 2017 to October 13, 2017 is in line with the parties previously submitted Rule 26(f) Report (ECF No. 13, p. 3).
4. By amending the Scheduling Order to allow the filling of any Motion for Summary Judgment from October 2, 2017 to October 13, 2017, the only other dates to be revised would be:
  - a. Responses from October 13, 2017 to October 27, 2017; and

b. Replies from October 27, 2017 to November 3, 2017

5. No other dates on the Scheduling Order will be affected by this brief extension.

WHEREFORE, the parties respectfully request that this Honorable Court grant their Joint Motion to Amend Scheduling Order and extend the deadline for filing any Motion for Summary Judgment from October 2, 2017 to October 13, 2017, with any Responses to October 27, 2017 and any Replies to November 3, 2017.

Respectfully Submitted,

/s/ Gary A. Collias  
Gary A. Collias, Esq. (WVSB #784)  
Collias Law Office  
122 Capitol Street  
Suite 300  
P.O. Box 70007  
Charleston, WV 25301-007  
304-344-3653  
[gacollias@colliaslaw.com](mailto:gacollias@colliaslaw.com)

John R. Mooney, Esq. (DCB #375886)  
Paul A. Green, Esq. (DCB # 383588)  
Mooney, Green, Saindon, Murphy  
& Welch, P.C.  
1920 L Street, N.W., Suite 400  
Washington, DC 20036  
202-783-0010  
[jmooney@mooneygreen.com](mailto:jmooney@mooneygreen.com)  
[pgreen@mooneygreen.com](mailto:pgreen@mooneygreen.com)

Glenda S. Finch, Esq. (DCB #418206)  
Larry D. Newsome, Esq. (DCB #254763)  
UMWA Health & Retirement Funds  
Office of the General Counsel  
2121 K Street, N.W., Suite 350  
Washington, DC 20037  
202-521-2222

*Counsel for Plaintiffs*

/s/ Jan L. Fox  
Jan L. Fox, Esq. (WVSB #1259)  
Steptoe & Johnson PLLC  
P.O. Box 1588  
Charleston, WV 25326-1588  
304-353-8000  
[Jan.Fox@Steptoe-Johnson.com](mailto:Jan.Fox@Steptoe-Johnson.com)

John R. Woodrum, Esq. (DCB #933457)  
W. Gregory Mott, Esq. (DCB # 438200)  
Ogletree, Deakins, Nash, Smoak & Stewart,  
P.D.  
1909 K Street, N.W., Suite 1000  
Washington, DC 20006  
202-887-0855

*Counsel for Defendant*